

§ 15.203

(iii) The location of the property when the loss or damage occurred.

(iv) The value of the property when lost or damaged.

(v) The actual or estimated cost of the repair of any damaged item.

(vi) The purpose of and authority for travel, if the loss or damage occurred incident to transportation or to the use of a motor vehicle.

(vii) Any and all available information as to the party responsible for the loss or damage, if such party is someone other than the claimant, and all information as to insurance contracts, whether held by the claimant or by the party responsible.

(2) Copies of all available and appropriate documents such as bills of sale, estimates of repairs, or travel orders. In the case of an automobile, the claimant must file two estimates of repair or a certified paid bill showing the damage incurred and the cost of all parts, labor and other items necessary to the repair of the vehicle or a statement from an authorized dealer or repair garage showing that the cost of such repairs exceeds the value of the vehicle. The Office of the Solicitor may waive the requirement of two estimates of repair.

(3) A copy of the power of attorney or other authorization if someone other than the employee files the claim.

(4) A statement from the employee's immediate supervisor confirming that possession of the property was reasonable, useful or proper under the circumstances and that the damage or loss was incident to service.

§ 15.203 When should a claim under the MPCECA be filed?

A claim under this subpart may be allowed only if it is filed in writing within 2 years after accrual of the claim. For the purpose of this part, a claim accrues at the later of:

(a) The time of the accident or incident causing the loss or damage;

(b) Such time as the loss or damage should have been discovered by the claimant by the exercise of due diligence; or

(c) Such time as cause preventing filing no longer exists or as war or armed conflict ends, whichever is earlier, if a claim otherwise accrues during war or

29 CFR Subtitle A (7-1-16 Edition)

an armed conflict or has accrued within 2 years before war or an armed conflict begins, and for cause shown.

§ 15.204 Are there limits on claims under the MPCECA?

(a) The maximum amount that can be paid for any claim under the MPCECA is \$40,000, or, if the claim arises from emergency evacuation or extraordinary circumstances, up to \$100,000, and property may be replaced in kind at the option of the Government, 31 U.S.C. 3721(b)(1).

(b) The Department is not an insurer and does not underwrite all personal property losses that an employee may sustain. Employees are encouraged to carry private insurance to the maximum extent practicable to avoid losses, which may not be recoverable from the Department.

§ 15.205 What types of claims for property damage are allowed under the MPCECA?

(a) Claims for property damage are allowed under the MPCECA only if the property involved was being used incident to service with the Department and:

(1) The damage or loss was not caused wholly or partly by the negligent or wrongful act or omission of the claimant, his or her agent, the members of his or her family, or his or her private employee (the standard to be applied is that of reasonable care under the circumstances); and

(2) The possession of the property lost or damaged and the quantity and the quality possessed is determined by the claimant's supervisor to have been reasonable, useful or proper under the circumstances; and

(3) The claim is substantiated by proper and convincing evidence.

(b) Claims otherwise allowable under this subpart shall not be disallowed solely because the claimant was not the legal owner of the property for which the claim is made.